

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MERCADIES SAAVEDRA,

Plaintiff,

Case No. 23-cv-12716
Hon. Matthew F. Leitman

v.

AMAZON.COM SERVICES, INC.,

Defendant.

**ORDER GRANTING PLAINTIFF LEAVE
TO FILE A FIRST AMENDED COMPLAINT**

On October 25, 2023, Plaintiff Mercadies Saavedra filed this employment discrimination action against Defendant Amazon.com Services, Inc. (*See* Compl., ECF No. 1.) Amazon has now filed a motion to dismiss portions of Saavedra's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 7.) One of the bases for dismissal is that Saavedra has failed to plead sufficient facts to state viable claims under the Supreme Court's decisions in *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). (*See, e.g., id.*, PageID.38-39.)

Without expressing any view regarding the merits of the motion to dismiss, the Court will grant Saavedra the opportunity to file a First Amended Complaint in order to remedy the alleged deficiencies in her allegations identified in the motion to dismiss. The Court does not anticipate allowing Saavedra another opportunity to

amend to add factual allegations that she could now include in her First Amended Complaint. Simply put, this is Saavedra's opportunity to amend her allegations to cure the alleged deficiencies in her claims.

By February 16, 2024, Saavedra shall file a notice on the docket in this action notifying the Court and Amazon whether she will amend her Complaint. If Saavedra provides notice that she will be filing a First Amended Complaint, she shall file that amended pleading by no later than February 26, 2024.

Finally, if Saavedra provides notice that she will be filing a First Amended Complaint, the Court will terminate without prejudice Amazon's currently-pending motion to dismiss as moot. Amazon may re-file a motion to dismiss directed at the First Amended Complaint if it believes that such a motion is appropriate after reviewing that pleading.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: February 2, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 2, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126